

Remarks

Claims 1-20 are pending in the application. Claims 1-5, 9-13 and 17-20 are rejected, while claims 6-8 and 14-16 are objected to. By this paper, claims 1, 5, 7-9, 14, 17 and 18 are amended, and claim 4 is canceled. Based on the following, consideration of the amended claims, and reconsideration of the remaining claims are requested.

Specification

The Examiner objected to the Abstract because of the phrase "is provided" in line 1. By this paper, the Abstract has been amended to omit that phrase. In addition, paragraphs 0026 and 0029 have been amended to update the references to patent applications which were incorporated by reference. Each of these applications has now published, and the specification has been amended to identify these applications by their respective publication numbers.

Claim Objections

The Examiner objected to claims 7, 8, 14-16 and 18 because of a number of informalities. In particular, claims 7 and 8 reference a "second baffle" for which there is no antecedent basis. By this paper, claims 7 and 8 have been amended to depend from claim 6, thereby providing antecedent basis for the objected-to limitation. In claim 14, the word "position" has been inadvertently omitted. By this paper, it is added to claim 14. Finally, the Examiner correctly noted that the limitation in claim 18, "the rear door opening," should have been recited as "the rear vehicle opening". By this paper, claim 18 is amended to implement that change. Applicants believe the aforementioned amendments overcome each of the objections cited by the Examiner.

Claim Objections—35 U.S.C. § 102

The Examiner rejected claims 1-5, 9-13 and 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,750,630 (Inoue et al.). The MPEP states that "'a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.'" MPEP, § 2131, 8th ed., Rev. 2 (citation omitted). The MPEP further states that "'the identical invention must be shown in as complete detail as is contained in the . . . claim.'" *Id.* (citation omitted). By this paper, claim 1 is amended to more particularly point out and distinctly claim the subject matter of the invention. Applicants submit that amended claim 1 contains elements which are neither expressly nor inherently described in Inoue et al. or any of the other cited references.

Amended claim 1 recites a cooling system for a battery in a vehicle that includes "an air intake for receiving air from an ambient environment outside the vehicle; [and] a duct system capable of providing communication between the air intake and the battery" Amended claim 1 further recites that the duct system includes "a first structure movable between a first position for facilitating communication between the air intake and the battery, while inhibiting recirculation of air across the battery, and a second position for inhibiting communication between the air intake and the battery, while facilitating recirculation of air across the battery." No such elements are expressly or inherently described in Inoue et al., or any of the other cited references. For example, the movable door 132 shown in Figure 16 in Inoue et al. has no position that would inhibit "communication between the air intake and the battery, while facilitating recirculation of air across the battery," as specifically recited in amended claim 1. Thus, Inoue et al. does not show the identical invention in as complete detail as is contained in amended claim 1. Therefore, with regard to Inoue et al. and amended claim 1, the MPEP definition of anticipation is not met.

Amended claim 1 is the base claim for claims 2, 3, 5 and 6-8. Each of these dependent claims contains all of the limitations of amended claim 1, as well as additional limitations which further distinguish it from the cited references. Therefore, with regard to these dependent claims, the MPEP definition of anticipation is not met.

By this paper, claim 4 is canceled. Accordingly, claim 5 is amended to depend directly from claim 1. Also, by this paper, claim 9 has been amended to more particularly point out and distinctly claim the subject matter of the invention. For example, amended claim 9 recites a cooling system for a battery in a vehicle, where the cooling system includes a duct system having first and second duct subsystems. Further, amended claim 9 recites that "the second duct subsystem [is] disposed between the battery and the first duct system for providing an air path from the battery to the first duct subsystem, thereby facilitating recirculation of air across the battery" No such elements are expressly or inherently described in Inoue et al. Neither the drawing figures, nor the text of the specification in Inoue et al., describes a duct subsystem that provides an air flow path from the battery to another duct subsystem which facilitates recirculation of air across the battery. Therefore, with regard to amended claim 9, and Inoue et al., the MPEP definition of anticipation is not met. Amended claim 9 is the base claim for claims 10-16. Each of these dependent claims contains all of the limitations of amended claim 9, as well as additional limitations which further distinguish it from the cited references. Therefore, with regard to Inoue et al. and these dependent claims, the MPEP definition of anticipation is not met.

Claim Rejections—35 U.S.C. § 103

The Examiner rejected claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Inoue et al. as applied to claim 17, and further in view of U.S. Patent No. 5,490,572 (Tajiri et al.). The MPEP states that in order to establish *prima facie* obviousness, all of the claim limitations of an invention must be taught or suggested by the prior art. MPEP § 2143.03, 8th ed., Rev. 2.

By this paper, claim 17 is amended to more particularly point out and distinctly claim the subject matter of the invention. For example, amended claim 17 recites a "vehicle having a passenger compartment, a window assembly and a battery" Further, amended claim 17 recites "a battery cooling system including an air intake disposed in a portion of the window assembly for receiving air from an ambient environment outside the vehicle" No such claim limitations are taught or suggested by the combination of Inoue et al. and Tajiri et al. The location of an air intake in a portion of a window can provide advantages over air intakes which are disposed in lower portions of a vehicle. This is described in detail in the specification of the present application, for example, in paragraphs 0025-0026.

In addition to failing to teach or suggest all of the claim limitations of amended claim 17, Applicants submit that the desirability of combining Inoue et al. with Tajiri et al. has not been shown. The MPEP is very clear when it states that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP, § 2143.01, 8th ed., Rev.2.

In summary, the desirability of combining of Inoue et al. with Tajiri et al. has not been shown, and even if the references are combined, they still do not teach or suggest all of the claim limitations of amended claim 17. Therefore, amended claim 17 is not rendered obvious by this combination.

Amended claim 17 is the base claim for claims 18-20. Each of these dependent claims contains all of the limitations of amended claim 17, as well as additional limitations which further distinguish it from the cited references. Therefore, the combination of Inoue et al. and Tajiri et al., does not render obvious any of claims 18-20.

Allowable Subject Matter

The Examiner objected to claims 6-8 and 14-16 as being dependent upon a rejected base claim, but indicated that each would be allowable if rewritten in independent form to include all of the limitations of their respective base claims, and any intervening claims. Amended claim 1 is the base claim for claims 6-8, and amended claim 9 is the base claim for claims 14-16. As discussed above, amended claim 1 and amended claim 9 are each believed to be allowable. Therefore, Applicants respectfully request that the objections to claims 6-8 and 14-16 be withdrawn.

Based on the foregoing, allowance of each of the pending claims is requested.

Respectfully submitted,

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